

REMARKS

This application has been reviewed in light of the Office Action dated February 25, 2004. Claims 22-33 are presented for examination, of which Claims 22, 23, 25, and 26 are in independent form. Claims 22-27 and 30-33 have been amended to define still more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

Claims 22-33 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent 6,396,537 B1 (*Squilla* et al.).¹

As is discussed in more detail in the present application, the present invention is directed to eliminating some of the inconvenience that may conventionally be encountered in the handling of digital image data wirelessly, or under circumstances where wireless handling would be highly desirable.

Independent Claim 22 is directed to an image capture apparatus that communicates with a recording apparatus using a wireless communication unit. The image capture apparatus comprises an image capture unit adapted to capture a digital image, and a recording unit adapted to record the digital image captured in this fashion on a recording medium. According to Claim 22, the image capture apparatus has an operation mode of automatically transmitting a digital image which is not recorded in the recording apparatus to the recording apparatus and determining whether or not to avoid reproducing a digital image which is already recorded in the recording apparatus from the recording medium.

Thus, among other important features of an apparatus constructed according to Claim 22, is that the apparatus communicates with a recording apparatus using a wireless

¹ While the Office Action refers to Section 102(b), it is understood that Section 102(e) was intended, as *Squilla* issued after the priority and U.S. filing dates of the present application.

communication unit, and has an operation mode of automatically transmitting a digital image which is not recorded in the recording apparatus to the recording apparatus and determining whether or not to avoid reproducing a digital image which is already recorded in the recording apparatus from recording medium of the image capture apparatus (an example of such processing is provided in steps 407-409, 417, and 418 in Fig. 4; it is of course to be understood that the scope of the claims is not limited by the details of any portions of the preferred embodiment referred to). At the least, this feature is not seen to be taught or suggested by *Squilla*.

Squilla relates to a photographic system in which data can be collected from a site, such as a visitor attraction site, that is capable of interactive communication with a user. The site stores content data related to the site, and a camera is provided, by means of which the user communicates with the site. The camera stores predetermined data that relates an interest of the user to at least a portion of the content data. In addition, the camera is able to transfer that personality data to the site, and to receive and display that portion of the content data from the site. A user interface permits the user to select from the displayed content data what the user wants to keep.

In the Office Action, the Examiner refers to a film camera 26 (see Fig. 3) as teaching an image capture unit and a recording unit (the image being transferred, according to the Office Action, either to film 54 or to a memory 48). Applicants note that according to Fig. 6 of *Squilla*, a film can be processed in accordance with a user's request for albuming and multimedia file creation, recording in a recording area 56 (see col. 9, lines 8-35). However, Applicants do not see how this film processing could teach or suggest a camera having an operation mode of (1) automatically transmitting image data which is not recorded in a recording apparatus, to that

recording apparatus and (2) determining whether or not to avoid reproducing image data which is already recorded in the recording apparatus, from a recording medium of the image capture apparatus. At least by virtue of this feature, therefore, Claim 22 is believed to be clearly allowable over *Squilla*.

Independent Claims 23 is directed to an image capture apparatus that communicates with a recording apparatus using a wireless communication unit. The image capture apparatus comprises an image capture unit adapted to capture a digital image, and a recording unit adapted to record the digital image captured by the image capture unit on a recording medium. Also, the image capture apparatus has an operation mode of automatically transmitting a digital image which is not recorded in the recording apparatus to the recording apparatus and determining whether or not to delete a digital image which is already recorded in the recording apparatus from the recording medium.

Applicants also submit that nothing has been found or pointed out in *Squilla* that would teach or suggest such an operation mode, and that Claim 23 is therefore allowable over that patent for at least that reason.

Independent Claims 25 and 26 are method claims corresponding, respectively, to apparatus Claims 22 and 23, and are allowable for the same reasons as are the latter claims.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the

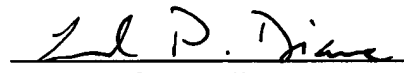
same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


Attorney for Applicants
Leonard P. Diana
Registration No.29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200